

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al.,

Plaintiffs,

vs.

THE LASSEN COMPANIES, INC.,  
et al.,

Defendants.

Case No. C-1-01-159  
(Judge Weber)

Deposition of SHIRLEY MONROE, a witness

herein, called by the Defendant, John Crary, for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Lisa L.

Weisenberger, a Registered Professional Reporter and  
Notary Public in and for the State of Ohio, at the  
offices of Stephen R. Felson, Attorney At Law,  
617 Vine Street, Suite 1401, Cincinnati, Ohio, on  
Wednesday, August 27, 2003, at 2:09 p.m.

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1 software?

2 A. No.

3 Q. And do you know if there was anyone at  
4 Indiana Woodworks who entered information into the  
5 ADP software?

6 A. No.

7 Q. Same question with regard to Cleaning  
8 Specialty Company?

9 A. No.

10 Q. Same question with regard to Lassen  
11 Distribution?

12 A. No.

13 Q. Was there anyone else at Wright Bernet who  
14 entered information into the ADP software?

15 A. There was one individual for a short  
16 period of time that did do the payroll.

17 Q. Who was that?

18 A. Alls I can remember was the first name was  
19 Amy.

20 Q. Do you recall how long Amy may have done  
21 this?

22 A. Give or take a month or two, from May of  
23 '99 to October of '99.

24 Q. During the period that Amy may have been

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1 using the ADP software, did she report to you?

2 A. No. She reported to Jerry Hunsche.

3 Q. Do you recall what her title was during  
4 that period?

5 A. She was accounts payable.

6 Q. Was she doing all of the work with regard  
7 to payroll, or were you doing some of that at the  
8 same time?

9 A. I was performing the HR functions.

10 Q. I take it her use of the ADP software  
11 wasn't related to her accounts payable functions?

12 A. No.

13 Q. Do you know why Amy left in -- strike  
14 that.

15 Was Amy still employed with Wright Bernet  
16 after October 1999?

17 A. No.

18 Q. Do you know why she left?

19 A. Yes.

20 Q. Why did she leave?

21 A. She was unhappy about the situation the  
22 company was in.

23 Q. And what situation was that?

24 A. Bills not being paid, paychecks bouncing.

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C E R T I F I C A T E

STATE OF OHIO :  
:SS  
COUNTY OF HAMILTON :

I, Lisa L. Weisenberger, a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of her deposition, the within named SHIRLEY MONROE was by me first duly sworn to testify the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 8th day of September, 2008.

MY COMMISSION EXPIRES:  
August 30, 2008

*Lisa L. Weisenberger*  
LISA L. WEISENBERGER, RPR  
NOTARY PUBLIC, STATE OF OHIO

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Exhibit G

1

UNITED STATES DISTRICT COURT  
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WESTERN DIVISION

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1 Q. And how long have you been employed with  
2 them?

3 A. October 29th of 2001.

4 Q. If I recall, your last day at Lassen, or  
5 Wright Bernet, was July of 2001; is that  
6 approximately correct?

7 A. Incorrect.

8 Q. I'm sorry. When was it?

9 A. September 24th, 2001.

10 Q. I take it you weren't employed anywhere  
11 between that date and the first date working with  
12 your new employer?

13 A. No.

14 Q. Was there anyone else at Lassen who  
15 entered information into this ADP software?

16 A. Not for Wright Bernet.

17 Q. Was there anyone else at Lassen who  
18 entered information for The Lassen Companies?

19 A. Yes.

20 Q. Who was that?

21 A. Various individuals.

22 Q. Can you name them for me, the ones you can  
23 recall?

24 A. No. Because it was just the accounting

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al., :  
Plaintiffs :  
-v- : Case No. C-1-01-159  
: Judge Herman S. Weber  
: Magistrate Judge  
: Timothy S. Hogan  
THE LASSEN COMPANIES, INC., :  
et al., :  
Defendants :

- 0 -

The deposition of **SHIRLEY A. MONROE**, taken before Susan K. Lee, CVR-CM, Court Reporter and Notary Public in and for the State of Ohio, at the law offices of David M. Cook, LLC, 22 West Ninth Street, on the 24th day of April, 2002, beginning at the hour of 10:05 a.m. and ending at 12:59 p.m. of the same date.

- 0 -

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1 Group.

2 Q Ekco owned Kellogg and it owned Wright  
3 Bernet?

4 A Yes. And it owned a couple other  
5 companies. I couldn't name them all, but they did own  
6 those two.

7 Q At what point did The Lassen Companies  
8 become involved with Wright Bernet?

9 A Officially -- the sale was official  
10 January 1st of the year 1999.

11 Q When did you first start dealing with  
12 anybody from The Lassen Companies in your job?

13 A In January of 1999.

14 Q You said the sale was official on that  
15 date. Had you heard about it for some time before  
16 that?

17 A We had heard -- we knew -- I knew at  
18 that point, about September/October time frame, I knew  
19 there was something -- in '98, something up. I wasn't  
20 quite sure what was going on. And then it was sometime  
21 in November/December 1998 that Mr. Kristal came out,  
22 along with Mike Lindemuth, who at the time -- Mike  
23 Lindemuth left Wright Bernet in June of '97, went to  
24 work for another company. And Mike Lindemuth came in  
25 and Lenn Kristal, Bob Bernet, who is the grandson of

C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,

COUNTY OF HAMILTON, To-wit;

I, Susan K. Lee, CVR-CM, Court Reporter  
and Notary Public in and for the State of Ohio, do  
hereby certify;

That on the 24th day of April, 2002,  
there appeared before me pursuant to Notice and  
agreement of counsel, **SHIRLEY A. MONROE**, as a witness  
in the previously entitled cause;

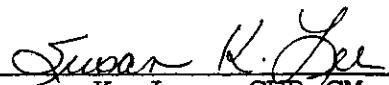
That the said witness was sworn by me  
and examined to tell the truth, the whole truth, and  
nothing but the truth in said cause;

That the deposition was taken by me via  
Stenomask and electronic recording and the foregoing  
105 pages contain a true, full and correct  
transcription of all the testimony of said witness;

That the deposition was submitted to  
the witness for reading and signature;

That I am not related to or in any way  
associated with any of the parties to said cause of  
action, or their counsel, and that I am not interested  
in the event thereof.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 13th day of May, 2002.

  
\_\_\_\_\_  
Susan K. Lee, CVR-CM  
My commission expires:  
August 30, 2004

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al.,

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vs.

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Wednesday, August 27, 2003, at 2:09 p.m.

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1 Q. And how long have you been employed with  
2 them?

3 A. October 29th of 2001.

4 Q. If I recall, your last day at Lassen, or  
5 Wright Bernet, was July of 2001; is that  
6 approximately correct?

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11 between that date and the first date working with  
12 your new employer?

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15 entered information into this ADP software?

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24 A. No. Because it was just the accounting

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C E R T I F I C A T E

STATE OF OHIO :  
:SS  
COUNTY OF HAMILTON :

I, Lisa L. Weisenberger, a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of her deposition, the within named SHIRLEY MONROE was by me first duly sworn to testify the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 8th day of September, 2008.

MY COMMISSION EXPIRES:  
August 30, 2008

*Lisa L. Weisenberger*  
LISA L. WEISENBERGER, RPR  
NOTARY PUBLIC, STATE OF OHIO

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*Exhibit I*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al.,

:

Plaintiffs

:

-v-

: Case No. C-1-01-159  
: Judge Herman S. Weber  
: Magistrate Judge  
: Timothy S. Hogan

THE LASSEN COMPANIES, INC.,  
et al.,

:

:

Defendants

:

- 0 -

The deposition of **SHIRLEY A. MONROE**, taken before Susan K. Lee, CVR-CM, Court Reporter and Notary Public in and for the State of Ohio, at the law offices of David M. Cook, LLC, 22 West Ninth Street, on the 24th day of April, 2002, beginning at the hour of 10:05 a.m. and ending at 12:59 p.m. of the same date.

- 0 -

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**Covington, Kentucky 41012**  
**KY(859)291-6110 OH(513)574-7017**

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1 claims until Great-West got the money that was owed  
2 them by The Lassen Companies, Inc. So this affected  
3 all the employees from all -- all The Lassen Companies.

4 Q And that affected all the employees,  
5 non-union and union, at Wright Bernet?

6 A Everybody. Everybody who had health  
7 insurance or dental insurance.

8 Q Now, the employees up to that point  
9 were having their premium contribution deducted from  
10 their paychecks for the health plan, right?

11 A Correct.

12 Q And did that practice continue even  
13 after the plan was put on administrative hold?

14 A Yes.

15 Q Did somebody instruct you to continue  
16 to ensure that these deductions were made, or did you  
17 have some conversation with anyone in the corporate  
18 office about this practice?

19 A No.

20 Q Were you aware the deductions were  
21 being made?

22 A Yes.

23 Q Did you express a concern to somebody  
24 about that?

25 A At that point, no.

1 Q At some later point did you?

2 A Yeah, in July of 2000.

3 Q Why in July of 2000?

4 A Why in July of 2000? That's because of  
5 a phone call that my husband made to Great-West that I  
6 had listened to from home. I was at home at lunchtime,  
7 and my husband put them on the speaker phone, to where  
8 the customer service rep he was talking to had said  
9 that our plan was terminated, and for the PPO  
10 individuals, their plan was terminated back to February  
11 1st of 1999. Any bills that hadn't been paid were not  
12 going to get paid, regardless of the date of service.

13 I called Polly Jones from my home and  
14 asked her to find out what was going on.

15 Q What did she tell you?

16 A That she would find out what was going  
17 on. And I said "I will be at work shortly or you can  
18 call me at home." She also had my home phone number.

19 Q Did you ultimately find out that that  
20 was correct information; that benefit claims that had  
21 not been paid that had accrued after January 1st, '99  
22 were not going to be paid?

23 A Well, I found that out -- I had -- I  
24 had access to the website for plan administrators for  
25 Great-West and I was able to go in and look at



C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,

COUNTY OF HAMILTON, To-wit;

I, Susan K. Lee, CVR-CM, Court Reporter  
and Notary Public in and for the State of Ohio, do  
hereby certify;

That on the 24th day of April, 2002,  
there appeared before me pursuant to Notice and  
agreement of counsel, **SHIRLEY A. MONROE**, as a witness  
in the previously entitled cause;

That the said witness was sworn by me  
and examined to tell the truth, the whole truth, and  
nothing but the truth in said cause;

That the deposition was taken by me via  
Stenomask and electronic recording and the foregoing  
105 pages contain a true, full and correct  
transcription of all the testimony of said witness;

That the deposition was submitted to  
the witness for reading and signature;

That I am not related to or in any way  
associated with any of the parties to said cause of  
action, or their counsel, and that I am not interested  
in the event thereof.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 13th day of May, 2002.


  
\_\_\_\_\_  
Susan K. Lee, CVR-CM  
My commission expires:  
August 30, 2004

Exhibit J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al., :

Plaintiffs :

-v-

: Case No. C-1-01-159  
: Judge Herman S. Weber  
: Magistrate Judge  
: Timothy S. Hogan

THE LASSEN COMPANIES, INC., :  
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Defendants :

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1 that, look, all the money that's paid out by this  
2 company is at the discretion of Mr. Kristal?

3 MR. SIMON: Before we answer that  
4 question, we'll just go off the record for a  
5 second.

6 (RECESS)

7 MR. SIMON: We're back on the record.  
8 We just took a break. I don't recall what my  
9 last question was, but that's okay.

10 REPORTER: Do you want me to read it  
11 back?

12 MR. SIMON: No, that's all right.

13 BY MR. SIMON:

14 Q Ms. Monroe, we were talking about how  
15 the company would wire money from L.A. to pay payroll  
16 for Wright Bernet employees, and that practice began  
17 sometime in '99, correct?

18 A July of '99.

19 Q Okay. How much communication were you  
20 having with the headquarters in Irvine once you began  
21 your position in October '99 or even in the months  
22 preceding that?

23 A I would say I probably talked to  
24 California at least once a day.

25 Q Who did you usually talk to?

C-E-R-T-I-F-I-C-A-T-I-O-N

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COUNTY OF HAMILTON, To-wit;

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Exhibit K

1

## 1 UNITED STATES DISTRICT COURT

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3 WESTERN DIVISION

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21  
22  
23 ORIGINAL  
24

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1 Q. And who told you they were friends?

2 A. Lenn Kristal.

3 Q. Do you recall anything else about the  
4 relationship between John Crary and Lenn Kristal?

5 A. No.

6 Q. Did Lenn Kristal tell you anything else  
7 about that relationship?

8 A. No.

9 Q. Did John Crary ever tell you anything  
10 about his relationship with Lenn Kristal?

11 A. No. I have never spoken to John Crary.

12 Q. Did anyone other than Lenn Kristal tell  
13 you anything about his relationship with John Crary?

14 MR. SIMON: Object to the term  
15 "relationship." It is a bit vague and  
16 ambiguous. You can answer.

17 A. No.

18 Q. Do you have an opinion about Lenn  
19 Kristal's truthfulness?

20 A. Yes.

21 Q. What is your opinion?

22 A. He doesn't know the meaning of the word.

23 Q. Did Lenn Kristal tell you that you were  
24 not to call John Crary?

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